IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.36617 of 2007
MD.MASOOD, SON OF MD. MANIR, RESIDENT OF VILLAGE-DANIALPUR, P.S. TEGHRA, DISTRICT-BEGUSARAI.
……PETITIONER.

Versus

1. **THE STATE OF BIHAR.**
2. **RUBY DEVI, WIFE OF SRI NARESH PANDEY, RESIDENT OF VILLAGE-DANIALPUR, P.S. TEHRA, DISTRICT-BEGUSARAI.**
……OPPOSITE PARTIES.

For the Petitioner : Mr. Rai Mukesh Sharma, Advocate.
For the State : Mr. Jharkhandi Upadhyay, A.P.P.
For O.P. No.2 : None.

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3. 25.11.2008. Heard the learned counsel for the petitioner and the learned A.P.P. for the State. Although the informant had been duly served with notice, he is absent in Court at the time of hearing of this application.

The petitioner is aggrieved by order dated 17.7.2007 passed by the learned Presiding Judge, Fast Track Court No.V, Begusarai, in Sessions Trial No.68 of 2006, whereby he has rejected the prayer of the petitioner for his discharge.

It has been submitted by the learned counsel for the petitioner that even if the recital of the complaint petition is taken at their face value then at best an offence under Section 354 I.P.C. is made out and not an offence under Section 376 read with Section 511 I.P.C.

Whether the offence under Section 354 or 376/511 I.P.C. is made out or not can only be decided at the trial after leading

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appropriate evidence.

In that view of the matter, I do not find any scope in this application so as to invite interference with the impugned order.

I find no merit in this application and the same is accordingly dismissed.

(Abhijit Sinha,J)

P.S.

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